

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF NEW JERSEY

DAVID B. VILLANO III, as  
borrower and all other individuals  
similarly situated, DAVID B.  
VILLANO, JR., as guarantor and  
all other individuals similarly  
situated,

Plaintiffs,

v.

TD BANK, formerly  
COMMERCE BANK, NA,  
DANAHER CORPORATION,  
and NMTC, INC., d/b/a MATCO  
TOOLS, Fictitious banking  
entities XYZ COMPANIES 1-20  
and JOHN DOES, fictitious  
persons 1-100,

Defendants.

Civil Action No. 3:11-cv-06714-FLW-  
DEA

**FILED ELECTRONICALLY**

**STIPULATION OF DISMISSAL WITH  
PREJUDICE OF DEFENDANTS  
MATCO TOOLS AND DANAHER  
CORPORATION**

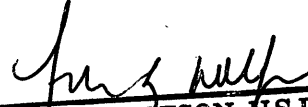
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AT 8:30 <sup>M</sup>  
WILLIAM T. WALSH, CLERK

**STIPULATION OF DISMISSAL WITH PREJUDICE  
OF DEFENDANTS NMTC, INC., D/B/A MATCO TOOLS AND  
DANAHER CORPORATION**

Pursuant to Rule 41(a)(1)(A)(ii) of the Federal Rules of Civil Procedure,  
Plaintiffs David B. Villano III and David B. Villano, Jr. hereby dismiss all claims,  
with prejudice, in the above-referenced action as to Defendants Danaher  
Corporation and NMTC, Inc. d/b/a Matco Tools, each party to bear its own costs  
and fees. All rights of appeal are hereby waived.

**IT IS SO ORDERED:**

  
FRED A L. WOLFSON, U.S.D.J. 11/5/12

/s Gerald A. Marks  
Gerald A. Marks  
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*Attorneys for Defendants Danaher  
Corporation and NMTC, Inc. d/b/a  
Matco Tools*

**DECLARATION OF SERVICE**

I hereby declare under penalty of perjury that the foregoing Stipulation of Dismissal with Prejudice of Defendants Matco Tools and Danaher Corporation was filed electronically with the Clerk of the Court and served upon Plaintiffs' counsel and counsel for defendant TD Bank via electronic notice.

/s Edward G. Sponzilli  
Edward G. Sponzilli

Dated: October 25, 2012